

CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK

2017 MAR 10 P 3:40

[Caption as in Form 416A, 416B, or 416D, as appropriate]

## NOTICE OF APPEAL AND STATEMENT OF ELECTION RECEIVED

### Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): Eric Richmond
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☒ Other (describe) Affected Party/  
Party in interest

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

☒ Other (describe) Affected Party/  
Party in interest

### Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: 1-13-42125-cec Doc 198
2. State the date on which the judgment, order, or decree was entered: 02/24/17

### Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

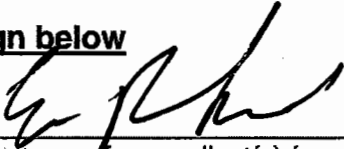
1. Party: P.B. #7, LLC Attorney: Glenn P. Warmuth  
2 Eighth Street  
Farmingville, NY 11738  
Phone: 631-732-2000
2. Party: 231 Fourth Avenue  
Lyceum, LLC Attorney: David Blum  
11 Park Place 10th Fl  
New York, NY, 10007  
Office (212) 947-9416

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**



Date: 03/09/2017

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

2107 Regent Place

Brooklyn, NY 11226

646 256 9613

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL COVER SHEET**

This form is REQUIRED for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

IN RE: Bankruptcy Case No. 13-42125(cec) Adv. Pro. No. (if applicable) \_\_\_\_\_

**Bankruptcy Appeal**

**APPELLANTS**

Eric Richmond,  
Movant, Affected Party

**APPELLEES**

P.B. #7, LLC

**ATTORNEYS (FIRM NAME, ADDRESS, TEL. NO.)**

Eric Richmond - Pro Se  
2107 Regent Place

**ATTORNEYS (IF KNOWN)**

Glenn P. Warmuth  
Stim & Warmuth, P.C.  
2 Eighth Street  
Farmingville, NY 11738

RECEIVED

2017 MAR 10 P 3:40

CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK

**BASIS OF JURISDICTION:** Federal Question

**CAUSE OF ACTION - 28:1334 Bankruptcy Appeal** (*Write brief statement of cause.*)

Court misidentified motion to reconsider as a motion to vacate which have different standards  
Court misidentified movant,  
Court misidentified the basis of the motion,  
Court failed to address arguments cases and facts raised in motion

**NATURE OF SUIT:** 422 Bankruptcy Appeal (801)

**RELATED CASE(S) IN DISTRICT COURT, IF ANY**

**DISTRICT JUDGE** \_\_\_\_\_

**DOCKET NUMBER** \_\_\_\_\_

**CIVIL CASES ARE DEEMED RELATED IF PENDING CASE INVOLVED:**

- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT  
☐ 2. SAME ISSUE OF FACT OR GROWS OUT OF THE SAME TRANSACTION  
☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT COPYRIGHT OR TRADEMARK

Date: 03/09/2017

Signature of Attorney of Record: \_\_\_\_\_  
[or Appellant Pro Se]



**FOR COURT USE ONLY**

APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**CIVIL COVER SHEET, Bankruptcy Appeal (cont'd)**

Did the cause of action arise in Nassau or Suffolk County? NO

If YES, please indicate which county: \_\_\_\_\_

---

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

YES ☐

NO ☒

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

YES ☐ (If yes, please explain)

NO ☒

---

---

---

Please provide your bar code and e-mail address below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number, or any other four-digit number registered by the attorney with the Clerk of Court. This information must be provided pursuant to local rule 11.1(b) of the local civil rules.

Attorney Bar Code: PRO SE --

E-Mail Address: gowanusx@gmail.com

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

Chapter 11

231 Fourth Avenue Lyceum, LLC,

Case No. 13-42125-cec

Debtor.  
-----X

**ORDER DENYING THE DEBTOR'S MOTION**

**WHEREAS**, on February 6, 2017, this Court issued an order (the "Order") denying the Debtor's motion seeking to vacate a state court order and for an open public hearing on judicial notice of undisputed facts; and

**WHEREAS**, the Debtor has filed a motion to vacate the Order (the "Motion"); and

**WHEREAS**, there exists no basis for the relief requested by the Debtor;

**NOW, THEREFORE**, it is hereby

**ORDERED**, that, after due consideration, and for all of the reasons set forth in the Order, the Debtor's Motion is denied in its entirety, and it is further

**ORDERED**, that the Court certifies pursuant to 28 U.S.C. § 1915(3) that any appeal from this order would not be taken in good faith.

**Dated: Brooklyn, New York  
February 23, 2017**



*Carla E. Craig*  
\_\_\_\_\_  
**Carla E. Craig**  
**United States Bankruptcy Judge**